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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,258	04/18/2000	Jeffrey M. Jahn	00 P 7577 US	1761

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Siemens Corporation
Intellectual Property Department
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EXAMINER

DAMIANO, ANNE L

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,258

Applicant(s)

JAHN ET AL.

Examiner

Anne L Damiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1,9 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 10-16 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for allowance of claims 10-16 is the inclusion of a fault solution analyzer unit coupled to an alarm notice generator unit arranged to generate a fault solution report based upon a fault analysis, in all 7 of the claims.

3. Claims 2-8 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Desnoyers et al. (5,968,189).

As in claims 1 and 17, Desnoyers discloses a method (which is interpreted as being stored in the form of a computer program product, implemented in computer code) for automatically reporting a detected network fault in a distributed communications network, comprising:

Detecting the network fault (column 8: lines 6-8);

Determining whether or not the detected network fault is a reportable network (critical) fault (column 8: lines 41-44);

Generating an alarm report based upon the reportable network fault (column 7: lines 63-67); and

Distributing the alarm report based upon a distribution list in real time (column 1: lines 59-67, column 8: lines 6-31, lines 41-42 and figure 7) (The reporting to designated processing nodes of column 8: lines 41-42, indicates that some form of a distribution list must exist in order to designate such nodes. The current operation being interrupted upon detection of a critical error and error service packets being generated and transmitted of column 8: lines 11-17, exemplifies real-time generating and distributing of an alarm report.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desnoyers is applied to claim 1 above.

Regarding claim 9, Desnoyers discloses the method of automatically reporting a detected network fault in a distributed communication network, above. However, Desnoyers does not specifically disclose a type of network.

It would have been obvious to a person skilled in the art at the time the invention was made to use the method taught by Desnoyers for reporting network faults in a telephony over LAN network. It would have been obvious because Desnoyers teaches the need for efficiently reporting errors in communications networks (column 1: lines 46-55). A person skilled in the art would have understood that Desnoyers' method could be implemented in a telephony over LAN network to improve error reporting.

Response to Arguments

8. Applicant's arguments filed 11/03/03 have been fully considered but they are not persuasive.

It is respectfully submitted that that the features recited in claims 1, 9 and 12 are taught or made obvious by Desnoyers.

Concerning the first argued point, the communications adapter that spontaneously reports detected critical errors and stores the information within hardware storage element of the adapter cited by applicant is only one instance of a communications adapter (column 3: lines 20-22 and column 7: lines 12-16). The point of Desnoyers' invention is to eliminate the need for monitoring devices for failure. Desnoyers discloses in column 8: lines 6-31, with reference to flow chart in figure 7, "...when a critical error has been detected, then the communications adapter interrupts current operation". Interrupting current operation implies real-time. "Subsequently, error service packets are generated", again subsequently means next in time, which implies immediately following in real-time. "After the packets are generated, the packet is sent out ...for the first designated processing node", after implies once the generating step is complete. All of the steps occurring consecutively, started as soon as an error is detected, is happening in real-time.

Concerning the second argued point means of determining the nodes in which to send the report must be present in Desnoyers' system. The node designations must be stored somewhere in the system. The stored node designations are interpreted as a distribution list.

Indeed Desnoyers does not disclose how the designated nodes are designated. However, this is insignificant because claims 1 and 17 do not claim how the distribution lists are determined.

Although claim 9 is dependent from the independent claim discussed above, it is believed to be anticipated by Desnoyers for the reasons mentioned above.

In view of the above-described distinctions, it is respectfully submitted that the invention of claims 1, 9 and 17 are taught or anticipated by Desnoyers. Therefore, withdrawal of this ground of rejection is not granted.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ALD



SCOTT BADERMAN
PRIMARY EXAMINER